

REMARKS

Status of the Claims

Claims 1-14 are pending in the application. Claims 2-9 and 11-12 are withdrawn due to a restriction requirement. Claims 1 and 10 are currently amended. New claims 13 and 14 are added. Reconsideration and allowance of all of the pending claims is respectfully requested.

New matter is not being introduced into this application by way of this amendment. Support for the amendments to claim 1 may be found, for example, at page 30, line 23 through page 31, line 2 of the specification. Support for new claim 13 may be found at, for example, page 168, lines 10-18, Example 3, and at page 170, Table 2, of the specification. Support for new claim 14 may be found, for example, at page 30, line 23 through page 31, line 2 of the specification. The Abstract of the Disclosure has been amended to conform with U.S. practice and does not add new matter. The specification at page 168 has also been amended to correct a typographical error as evidenced by the correct melting point in Table 2, Ex.3, at page 170.

Accordingly, no new matter is added and entry of this amendment is respectfully requested.

Election/Restriction

The Examiner has required election to one of the inventions of Groups I-VI described at page 2 of the outstanding Office Action. Applicants affirm the election of Group I, directed to claims 1 and 10 with traverse. Applicants respectfully submit that there is a "special technical feature" in the present claims which amounts to a contribution over the prior art. Specifically, the

Examiner will note that Applicants amendment to claim 1 further distinguishes the present invention from the cited reference to Kawai '687 (EP 1138687) (which the Examiner alleges breaks the unity of invention). In the event that the Examiner finds elected claims 1 and 10 allowable, Applicants respectfully request that the Examiner provides Applicants with the opportunity to consider amending the withdrawn claims (such as those of Group III, claims 3-5 and those of Group VI, claims 11-12) to depend from or to recite all of the features of the allowed claims to establish unity of invention.

Specification

The Examiner, at pages 4-5 of the Office Action, objects to the Abstract asserting that the Abstract does not conform with U.S. practice. Applicants herewith include a replacement Abstract which meets the Examiner's objections. Withdrawal of this objection is respectfully requested.

Claim Objections

The Examiner objects to claim 10 over a number of informalities. Claim 10 is currently amended to address the Examiner's objections. Withdrawal of this objection is respectfully requested.

Claim Rejections - 35 U.S.C. §102/§103

Claims 1 and 10 are rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Kawai '687 (EP 1138687). Applicants respectfully traverse this rejection for the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[T]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03.

Applicants respectfully submit that all of the present claim limitations are not disclosed or suggested by the prior art. The prior art fails to disclose or suggest a propylene/1-butene random copolymer having a melting point of from 40 to 75°C and a crystallization rate (1/2 crystallization time) at 45°C of 10 minutes or less, as recited in claim 1. Furthermore, the prior art fails to disclose or suggest a propylene/1-butene random copolymer that has a melting point of from 40 to 66.5°C as recited in present claim 13. Accordingly, there exists neither anticipation nor a *prima facie* case of obviousness. Thus, this rejection must be withdrawn.

In more detail, Applicants point out that the present invention is directed to a propylene/1-butene random copolymer that has excellent flexibility, impact resistance, heat resistance and low-temperature heat-sealability, and a polypropylene composite film that can be obtained with good moldability and has superior transparency, low-temperature heat-sealability, blocking resistance and mechanical strength such as scratch resistance. See specification page 12,

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lines 15-23. In other words, the propylene/1-butene random copolymer of the present invention possesses a short 1/2 crystallization time in a low-melting region, or a high crystallization rate in a low-melting region. See claim 1.

Kawai '687 discloses the preparation of a propylene/butene copolymer in the presence of a metallocene catalyst, wherein the melting point is in the range of 73.6-108.1°C, and the intrinsic viscosity is in the range of 0.89-3.56 dl/g. See pages 237-238. However, Kawai '687 fails to disclose or suggest a propylene/1-butene random copolymer which has a melting point of from 40 to 75°C and a crystallization rate (1/2 crystallization time) at 45°C of 10 minutes or less, as recited in present claim 1. In addition Kawai '687 fails to disclose or suggest a propylene/1-butene random copolymer that has a melting point of from 40 to 66.5°C as recited in present claim 13. Kawai '687 therefore does not disclose or suggest all of the limitations of the present invention.

In addition, Kawai '687 provides no suggestion or motivation that would lead one of skill in the art to the presently claimed invention. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so." MPEP 2143.01.

As discussed above, the present invention provides a propylene/1-butene random copolymer with a melting point and a crystallization rate as recited in the present claims. The advantages of the present invention can be seen by comparing Example 3 with Comparative Example 3 as a copolymer, and by comparing Example 3b with Comparative Example 4b as a biaxially stretched film. See Table 2, bridging pages 170-171, and Table 5-1 and 5-2, bridging pages 177-178 of the specification, the relevant sections of which are reproduced below:

	1-Butene Content (mol%)	Melting Point (°C)	1/2 Crystallization Time (min)
Example 3	28.0	66.5	5.2
Comparative Example 3	34.5	69.5	33.1

	Haze (%)	Heat-seal Strength (N/15mm) 65°C/70°C/80°C
Example 3b	13.9	0.3/3.1/3.3
Comparative Example 4b	25.9	0.3/2.9/3.5

Accordingly, it is evident that Example 3 achieves superior results with respect to having a shortened ½ crystallization time (min.) and a lower melting point (°C). Further, Example 3b exhibits superior transparency (lower haze) without sacrificing heat sealing strength.

Applicants respectfully submit that the prior art provides no teaching, suggestion, or motivation that would lead one of skill in the art to the presently claimed invention. Thus there exists neither anticipation nor a *prima facie* case of obviousness. The pending prior art rejection(s) must therefore be withdrawn. An early reconsideration and Notice of Allowance for all of the pending claims is respectfully requested.

Conclusion

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact Mark Konieczny (Reg. No. 47,715) at the offices of Birch, Stewart, Kolasch & Birch, LLP.

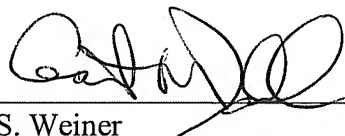
Application No. 10/550,017
Amendment dated: April 9, 2007
Reply to Office Action of January 8, 2007

Docket No.: 1155-0286PUS1
Art Unit 1713

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: April 9, 2007

Respectfully submitted,

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Attachment: Abstract of the Disclosure